

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alamanda Gribbin	Team: Team # 4	CCRB Case #: 200407231	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/22/2004 4:00 AM	Location of Incident: § 87(2)(b) Bronx	Precinct: 40	18 Mo. SOL 1/22/2006	EO SOL 1/22/2006	
Date/Time CV Reported Thu, 07/22/2004 4:29 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/26/2004 5:03 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Demonte	19559	925184	PSA 7
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: Officer(s) stopped and questioned § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Anthony Demonte	Discourtesy: PO Anthony Demonte spoke rudely to § 87(2)(b)	§ 87(2)(b)
C.POM Anthony Demonte	Force: PO Anthony Demonte used physical force against § 87(2)(b)	§ 87(2)(b)
D. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Synopsis

On July 22, 2004, at approximately 4:00am, § 87(2)(b) and his cousin § 87(2)(b) entered an apartment building located at § 87(2)(b) in the Bronx. § 87(2)(b) lives on the § 87(2)(b) floor of the building. As § 87(2)(b) and § 87(2)(b) exited the elevator on the § 87(2)(b) floor, a male officer commanded them to stop and put their hands up against the wall. When § 87(2)(b) asked the officer what they had done wrong, he reacted by “screaming and cursing” at them. § 87(2)(b) told the officer the he was not doing his job correctly because he had not asked to see identification. In response, the male officer “smacked” § 87(2)(b) on the face. Several additional officers then came into the hallway and started “harassing” § 87(2)(b) and § 87(2)(b). § 87(2)(b) was subsequently taken downstairs where the officers discovered he was not the man they were looking for and released him. When § 87(2)(b) started to complain to the officers about how he had been treated, a second unidentified male officer told § 87(2)(b) he was lucky he had only been slapped because if it were up to him, the officer, he would have hit § 87(2)(b) with a stick. The officers also attempted to issue § 87(2)(b) a summons that he refused to accept and ripped up. § 87(2)(b) claimed not to know what the summons was for.

§ 87(2)(b) made his complaint to the Internal Affairs Command Center, via telephone, on July 22, 2004, at 4:29am. At that time, § 87(2)(b) indicated that he had been mistaken for another person involved in a robbery. § 87(2)(b) also alleged that an officer named Demonte slapped him, threw him to the floor and issued him a summons for disorderly conduct before releasing him. IAB transferred this complaint to the CCRB on July 26, 2004. The IAB report identified PO Anthony Demonte of PSA 7 as the subject officer. As no contact telephone number for § 87(2)(b) was included in the IAB report, two letters were sent to his home on August 11, 2004, and August 16, 2004, respectively. On August 18, 2004, § 87(2)(b) left a message for the undersigned and gave a contact telephone number. On August 23, 2004, a message was left for § 87(2)(b) requesting he contact the CCRB. After leaving an additional telephone message for § 87(2)(b) on August 28, 2004, he contacted the CCRB that same day. During that conversation, the mediation and investigative processes were discussed with § 87(2)(b). At that time, § 87(2)(b) indicated that he was interested in pursuing a financial settlement against the subject officer, but he had not yet retained an attorney. § 87(2)(b) was advised by the undersigned that the CCRB could not assist him in pursuing a civil complaint against the officer. § 87(2)(b) indicated that he still wanted to schedule a CCRB interview appointment for the next week, but he wanted to consult with his witnesses first.

On September 1, 2004, a message was left with the wife of § 87(2)(b) § 87(2)(b) § 87(2)(b) requesting that § 87(2)(b) contact the CCRB. On September 7th, a third letter was sent to § 87(2)(b) requesting that he contact the CCRB to schedule an interview appointment. § 87(2)(b) did not respond to either request. On September 11, 2004, the undersigned contacted § 87(2)(b) at home. At that time, § 87(2)(b) stated that he was still interested in pursuing his complaint, but indicated that he had retained an attorney to represent him in this matter and he wanted to speak to this attorney before scheduling an interview appointment. § 87(2)(b) declined to provide the undersigned with the name or contact number of his attorney. § 87(2)(b) was then advised that he needed to contact the CCRB within ten business days to schedule an interview appointment, or his complaint would be closed without an investigation. On September 29, 2004, a call was placed to the cellular telephone number of § 87(2)(b). At that time, a recorded message indicated that the number was no longer in service. A please call letter was subsequently sent to § 87(2)(b) at the address listed in the IAB report. That letter was returned to the CCRB marked with a note stating *attempted not known*. As of the date of this report, neither § 87(2)(b) nor § 87(2)(b) have made any attempts to contact the CCRB. § 87(2)(b), § 87(2)(g)

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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: